

RMcK
Phoenix, AZ

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

RENAISSANCE HOTEL OPERATING
COMPANY d/b/a RENAISSANCE PHOENIX
DOWNTOWN HOTEL

and

Case 28-CA-181477

UNITE HERE, LOCAL 631

and

ERUBEY QUINTERO

MARRIOTT INTERNATIONAL, INC.

and

Case 28-CA-187281

UNITE HERE, LOCAL 631

NOTICE TO SHOW CAUSE¹

On November 30, 2016, the General Counsel, through the Regional Director for Region 28, issued a consolidated complaint and notice of hearing, alleging that since about July 1, 2016, the Respondents have maintained overly broad and unlawful rules in their employee handbooks and required employees to sign Handbook Acknowledgement forms stating that they agree with and understand all the policies therein. In addition, the consolidated complaint alleges that the Respondents designated each page of their employee handbooks as “Confidential and Proprietary Information.” The consolidated complaint alleges that, by the foregoing conduct, the

¹ Member Emanuel is recused and has taken no part in the consideration of this case.

Respondents have been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed them in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.²

On July 20, 2017, the parties filed an amended joint motion to waive a hearing and a decision by an administrative law judge and to transfer this proceeding to the Board on a stipulated record. On September 5, 2017, the Board issued an Order Approving Stipulation, Granting Motion, and Transferring Proceeding to the Board. Pursuant to that Order, the Board transferred the case to the Board for the purpose of issuing findings of fact, conclusions of law, and a Decision and Order, and set a briefing schedule. The parties thereafter filed briefs.

In support of the complaint's allegation that the Respondent unlawfully maintained the disputed work rules, the General Counsel relies on the "reasonably construe" prong of the Board's decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). Recently, the Board overruled the *Lutheran Heritage* "reasonably construe" test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 16-18 (2017). Having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before October 11, 2018 (with affidavit of service on the parties to this proceeding), why the Board should not revoke its approval of the stipulation and remand this case to the Regional Director for Region 28 for further proceedings consistent with the Board's

² On February 6, 2017, the Regional Director for Region 28 issued an order withdrawing additional complaint allegations (and approving the withdrawal of charges) based on a private settlement between the parties.

decision in *Boeing*. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., September 27, 2018.

By direction of the Board:

Farah Z. Qureshi

Associate Executive Secretary

.